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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/715,121	11/20/2000	Masaru Igawa	ASA-734-02	6366

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ALEXANDRIA, VA 22314

EXAMINER
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VU, NGOC K

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/715,121	<b>Applicant(s)</b> IGAWA ET AL.	
	<b>Examiner</b> Ngoc K. Vu	<b>Art Unit</b> 2611	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 October 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

1. Applicant's arguments with respect to claims 13-23 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 13-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Kenner (US 5,956,716 A).

Regarding claim 13, Kenner discloses a video data distributing system (see figure 4) comprising:

a plurality of video data storage devices (SRUs - see figure 4) storing video data linked with a video data identifier (video ID) identifying the video data and transmitting to a terminal (terminal 50 - see figure 4), which has sent the video data identifier, the video data corresponding to the video data identifier (e.g., the terminal 50 requests a particular video, wherein the particular video associates with its video identifier – see col. 8, lines 14-18; col. 6, lines 43-48; col. 4, lines 54-59 and figure 4);

said terminal (50) sending an inputted video data identifier to one of said video data storage devices (e.g., the terminal sends the user's requests including a video ID to a local

Art Unit: 2611

SRU) and displaying the video data according to transmission information (the terminal receives and displays the requested video clips according to data information – see col. 8, lines 14-18; col. 6, lines 43-48; col. 4, lines 54-59 and figure 4); and

a controller (PIM – see figure 4) including a storing means and control means (e.g., the PIM includes a database with detailed information on the video clips stored on the extended SRUs associated with the PIM. The PIM accesses the video clip database to determine, based on clip attributes, whether the user has valid subscription rights and is authorized to download the desired clip – see col. 8, lines 16-25; col. 4, lines 55-59; col. 24, lines 16-56 and figure 4),

wherein the storing means stores the video data identifier identifying the video data linked with identification information identifying one of the said video data storage devices storing the video data (the PIM, having identified the clip corresponding to the video ID in its clip database, passes information to the DSI regarding which extended SRUs have the clip), and stores terminal identification information identifying said terminal linked with the transmission information for sending the video data to the terminal (the PIM also has a user database which stores information on each of its users. The PIM checks the user's subscription rights in its user database, and if authorized and necessary, initiates a DSI process to download the desired clip to the user's terminal – see col. 21, lines 37-46; col. 24, lines 35-56), and

the control means receives the terminal identification information and the video data identifier from said terminal and sends to said terminal the transmission information corresponding to the received terminal identification information and the video data storage device identification information corresponding to the received video data identifier (for example, when the user wants to view a video clip, the video ID will be retrieved and sent to a regional database. If the regional database can match the video ID to a clip existing on a local server,

Art Unit: 2611

and the user's subscription rights are sufficient, then the clip will be downloaded from the local server. If the clip is unavailable locally, or the local server is overburdened, then successingly more remote servers will be queried for the transfer. It is noted that the user subscribes to the service in order to be allowed access, the user is sent a configuration file contains a unique subscriber identification number. The PIM comprises the control means to determine which SRU having the desired video clip corresponding to its video ID. Furthermore, the PIM accesses the video clip database to determine, based on clip attributes, whether the user has valid subscription rights and is authorized to download the desired clip. It is noted that the PIM sends the requested video clip to the user's terminal corresponding to the received user's subscriber ID number, and the video ID - col. 21, lines 37-46; col. 23, line 65 to col. 24, line 56).

Regarding claim **14**, Kenner discloses that the video data identifier is a URL (see col. 23, line 65 to col. 24, line 6).

Regarding claim **15**, Kenner discloses that the video data identifier is a unique video name (e.g., a text name of the file - see col. 23, lines 55-56).

Regarding claim **16**, Kenner discloses that the video data identifier is a serial number (e.g., content provider's account number – see col. 23, lines 55-59).

Regarding claims **17-18**, Kenner discloses that transmission information includes a network protocol and/or network parameters (e.g., the transmission information includes the network protocol/parameters such as http:// plus the Internet address of the PIM, plus the user's subscriber ID number, plus the video ID – see col. 23, line 66 to col. 24, lines 3).

Regarding claims **19-20**, Kenner discloses the controller provides transmission information includes audio-visual data (see col. 27, lines 11-12; col. 8, lines 16-20).

Regarding claims **21 and 22**, Kenner teaches that the terminal identification information includes a host name and a domain name and/or an IP address (see col. 20, lines 50 to col. 22, line 60).

Regarding claim **23**, Kenner discloses a video distribution method comprising the steps of:

storing video data identifier (video ID) identifying video data linked with video data storage device identification information identifying a video data storage device storing the video data (e.g., PIM has a database for storing video ID identifying a video clip available at a particular SRU – see col. 8, lines 14-18; col. 6, lines 43-48; col. 4, lines 54-59 and figure 4);

storing identification information identifying a terminal linked with transmission information for sending the video data to the terminal (e.g., the PIM has a user database which stores information on each of its users for sending the requested video clip to an identified terminal – see col. 24, lines 47-50);

receiving the terminal identification information and the video data identifier (e.g., when the user wants to view a video clip, the local SRU receives the video ID and the terminal identification information. It is noted that the user subscribes to the service in order to be allowed access, the user is sent a configuration file contains a unique subscriber identification number – see col. 21, lines 36-46; col. 9, lines 42-54); and

outputting the transmission information corresponding to the received terminal identification information and the video data identification information corresponding to the received video data identifier (the PIM accesses the video clip database to determine, based on clip attributes, whether the user has valid subscription rights and is authorized to download the desired clip. It is noted that the PIM sends the requested video clip to the user's terminal

Art Unit: 2611

corresponding to the received user's subscriber ID number and the video ID - col. 21, lines 37-46; col. 23, line 65 to col. 24, line 56).

### **Conclusion**

4. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

### **Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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Typed or printed name of person signing this certificate:

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Art Unit: 2611

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ngoc K. Vu  
Primary Examiner  
Art Unit 2611

March 28, 2005